

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2786 OF 2019

Kevin P. Vazir Applicant
Versus
The State of Maharashtra Respondent

Ms. Nilima C. Sarvagod a/w. Onkar Warange for Applicant.
Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st OCTOBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 237 of 2018 registered with Govandi Police Station, Mumbai, on 11/10/2018, under Section 420 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Ms. Nilima Sarvagod, learned counsel for the applicant and Smt. Veera Shinde, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Priti R. S. Raghu. She has stated that, she wanted to purchase a car. On inquiry, she and her husband came to know

that, there was a Hyundai showroom at V. N. Purav road, Chembur. They went to the showroom on 27/04/2018. They met Shan Sheikh and present applicant. They showed them a Hyundai EON car. The price of that car was Rs.4,35,000/-, but they told the informant that, if she made payment in cash, she would get that car for Rs.3 lakhs. The informant made payment in cash of Rs.2 lakhs on the same day and gave her documents. She was given a receipt. On 30/04/2018, Shan Sheikh came to her house with that car. He took the balance amount. On 15/05/2018, the informant was told that the R.T.O. had given registration number to the car. Shan Sheikh came to her house and fixed the number plate on her car. She did not get R.C. book for some period, therefore, she made inquiries with Shan Sheikh. He told her that, he had left the job in July 2018 and that she should talk to the present applicant. She was told that, said showroom was on the verge of shutdown. The informant made inquiries at Panvel R.T.O. office. She was told that, validity of temporary registration was only for one month and since further documents were not received by the R.T.O., the final registration was not done. On 05/09/2018 the informant went to

the showroom and met Managing Director Rachana Sharma and told her about her grievance. But instead of taking corrective steps, Rachana Sharma started shouting at her. She told her that, the same car was stolen and that she had made a police complaint for that. She was shown all the invoice copies, bills, receipts regarding that car. She told the informant that, their showroom never issued such copies. The informant was convinced that, display car was sold to her fraudulently and she was cheated. Therefore, she lodged this F.I.R.

4. Learned counsel for the applicant, as well as, learned APP submitted that, aforementioned Rachana Sharma had approached this court for quashing of the complaint by filing Criminal Writ Petition No. 5507 of 2018. The order of the Division bench of this court dated 03/03/2021 is produced before me for perusal. The order reflects that, there was a settlement and operative part of the order mentions that the petition was allowed in terms of prayer clause (a) which reads as under :-

“a) That this Hon’ble Court may be pleased to invoke its writ jurisdiction as well as inherent jurisdiction to quash and set aside an FIR bearing No. 237 of 2018 registered with Govandi Police Station

on 11th October 2018 along with chargesheet filed with metropolitan magistrate, 57th court kurla, mumbai on 16/08/2019.”

5. Learned APP, on instructions of the I.O. has stated that the car has finally been transferred in the name of first informant and there no grievance is left anymore. Considering these submissions and particularly taking into account the fact that the division bench of this court has quashed the entire proceeding, actually nothing survives in this application.

6. The application is, therefore, disposed of as having rendered infructuous.

7. If, in future, the applicant is to be arrested in respect of the same offence, the investigating agency shall give him four clear working days notice to enable him to approach the appropriate court for the appropriate remedy in respect of C.R.No.237 of 2018 registered with Govandi police station.

(SARANG V. KOTWAL, J.)